



To contest a determination that the accident was preventable, you must complete the attached Request for Accident Appeal form and submit it to the Accident Appeals Committee within 15 days of your receiving this notice

## **Accident Review Committee Decision and Operator Notification**

**Operator:**

**Badge #:**

**Date of Accident:**

**File #:**

**Date of Review:**

**Reviewed by:**

**Safety and Training Dept:**

☐ **Operator Referred for Retraining**

**Operations Dept:**

**Legal/Claims Dept:**

**Para Transit & Regionals:**

**Did an accident/incident occur?** ☐ **Yes** ☐ **No**

*The above accident was reviewed by the Accident Review Committee and found to be:*

☐ **Preventable**

☐ **Non-Preventable**

☐ **Inconclusive**

**Reason(s) for a determination that the accident was Preventable is/are:**

☐ **Failure to Satisfy General Preventability Standard**

*"Professional drivers must drive in a manner as to identify accident producing situations soon enough to take reasonable and prudent action to avoid an accident" and in the manner that "compensates for all driving conditions including unsafe actions of others."*

– NYSDOT Statewide Standardization, "The Determination of Accident Preventability"<sup>1</sup>

☐ **Mobility Devices**

*"Any accident caused by a mobility device not being fastened to the bus is preventable. It is the responsibility of the driver to assure that all mobility devices are properly fastened to the bus according to ADA guidelines and company policy."*

– "School Bus Accident Preventability Guidelines" (PTSI, 2005)

☐ **Intersections**

*"It is the responsibility of a professional driver to approach, enter and cross intersections prepared to avoid accidents that might occur through the action of other drivers. The driver's failure(s) to take precautionary measures prior to entering the intersection are factors to be studied in making a decision."*

– NYSDOT Statewide Standardization, "The Determination of Accident Preventability"

☐ **Backing**

*"Practically all backing accidents are preventable. A driver is not relieved of his responsibility to back safely when a guide is involved in the maneuver. A guide cannot control the movement of the vehicle; therefore, a driver must check all clearances for himself"*

– NYSDOT Statewide Standardization, "The Determination of Accident Preventability"

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<sup>1</sup> NYSDOT Statewide Standardization, "The Determination of Accident Preventability" is the document setting forth the requirements and criteria under the BAITFISH Program

☐ **Passing** *"Failure to pass safely indicates faulty judgment and the possible failure to consider one or more of the important factors a driver must observe before attempting the maneuver. Unusual actions of the driver being passed or of oncoming traffic might appear to exonerate a driver involved in a passing accident, however, the entire passing maneuver is voluntary and the driver's responsibility."*

– NYS DOT Statewide Standardization, "The Determination of Accident Preventability"

*"Passing safely is the responsibility of the driver. The entire passing maneuver is considered voluntary and becomes the driver's responsibility to make sure that it is done safely and effectively. Blind spots are not valid excuses for accidents. The operator must make extra allowances in any area of limited sight distances. When a driver is being passed on either the right or the left side of the bus, it is the operator's responsibility to yield to the passing vehicle by slowing down or moving out of the way."*

- "School Bus Accident Preventability Guidelines" (PTSI, 2005)

## ☐ **Being Passed**

*Sideswipes and cut-offs involving a professional driver while he is being passed or preventable when he fails to yield to the passing vehicle is slowing down or moving to the right where possible.*

– NYS DOT Statewide Standardization, "The Determination of Accident Preventability"

## ☐ **Lane Encroachment**

*"A safe driver is rarely a victim of entrapment by another driver when changing lanes. Similarly, entrapment in merging traffic is an indication of unwillingness to yield to other vehicles or to wait for a break in traffic. Blind spots are not valid excuses for lane encroachment accidents. Drivers must make extra allowances to protect themselves in areas of limited site distances. Squeeze plays causing involvement with parked cars, pillars and other road structures, can be prevented by dropping back when it is apparent that the other driver is forcing the issue or contesting a common portion of the road."*

– NYS DOT Statewide Standardization, "The Determination of Accident Preventability"

## ☐ **Grade Crossings**

*"Collisions with fixed rail vehicles, such as trains, streetcars, etc., occurring at grade crossing, in traffic, in a rail yard, switch area or on private property are the responsibility of the professional driver to prevent. When a vehicle is parked across a rail siding, the driver must first determine it is safe and permissible and, furthermore, must stand by in case conditions change by the movement of the rail cars during the parking interval"*

– NYS DOT Statewide Standardization, "The Determination of Accident Preventability"

## ☐ **Turning**

*"Failure to signal, to properly position the vehicle for the turn, to check the rearview mirrors, to check pedestrian lanes or take any other defensive action should be considered. Sudden turns by other drivers should be carefully examined. You may find that your driver failed to take precautionary tip-offs from the other vehicle immediately preceding the incident. U-turns by your driver that result in a collision are preventable."*

– NYS DOT Statewide Standardization, "The Determination of Accident Preventability"

## ☐ **Weather**

*"Adverse weather conditions are not a valid excuse for being involved in an accident. Rain, snow, fog, sleet or icy pavement has never caused an accident. These conditions merely increase the hazards of driving. Failure to adjust driving to the prevailing weather conditions should be cause for deciding an accident preventable."*

– NYS DOT Statewide Standardization, "The Determination of Accident Preventability"

## ☐ **Fixed Object**

*"Collisions with fixed objects are preventable. They usually involve failure to check or properly judge clearances. New routes, resurfaced pavements, marquees projecting over traveled section of road and similar situations are not, in themselves, valid reasons for excusing a driver being involved. The driver must be constantly on the lookout for such conditions to avoid accidents."*

– NYS DOT Statewide Standardization, "The Determination of Accident Preventability"

## ☐ **Disabled Bus**

*"If a mechanical problem occurs, it the driver's responsibility to attempt to protect the disabled bus. Attempt to stop the bus in a safe location, well off the roadway and well away from through traffic. Activate flashers at once and place triangle reflectors appropriately. All passengers should be evacuated to a safer area as soon as possible."*

- "School Bus Accident Preventability Guidelines" (PTSI, 2005)

## ☐ **Pedestrians**

*"A driver who fails to reduce his/her speed when bicycles, motor scooters or pedestrians are within sight distance has failed to take the necessary precaution to prevent an accident. Keeping within the posted speed limits is not taking the proper precaution when unusual conditions call for voluntary reduction of speed. School zones, shopping areas, residential streets and other areas with special pedestrian traffic must be traveled at reduced speed equal to the particular situation. An unusual route of a pedestrian at mid-block or from between parked vehicles does not necessarily relieve a driver from taking precautions to prevent such accidents."*

– NYS DOT Statewide Standardization, "The Determination of Accident Preventability"

☐ **Driveway**

*"Failure to slow down, sound a warning or to yield to the other driver whose vehicle is originating from alleys, driveways, plant entrances and other special intersecting locations can be considered cause to judge such an accident preventable."*

- **NYSDOT Statewide Standardization, "The Determination of Accident Preventability"**

☐ **Mechanical** (Specify below whether the driver was responsible for the accident arising out of the mechanical problem.)

*"Any accident caused a mechanical failure that reasonably could have been detected by the driver, but went unheeded, should be judge preventable. It is the driver's responsibility to report unsafe vehicle conditions for repairs and to obtain immediate repairs where continued operation might result in an accident. When mechanical difficulties occur unexpectedly during a trip, and a driver, upon discovery, fails to check with the company for emergency instructions prior to an accident, the accident is preventable. An accident caused by mechanical failure that results from abusive driving should be considered preventable."*

- **NYSDOT Statewide Standardization, "The Determination of Accident Preventability"**

*"If a mechanical problem developed during the bus route, and the driver did not stop the bus at the first safe location, a subsequent accident should be regarded as preventable on the bus driver's part."*

- **"School Bus Accident Preventability Guidelines" (PTSI, 2005)**

☐ **Animal Related**

*"When evasive action to avoid striking an animal results in a crash with another vehicle or a fixed object, a layover, or a rollover, the accident should be considered preventable on the part of the driver."*

- **"School Bus Accident Preventability Guidelines" (PTSI, 2005)**

☐ **Front-End Collision**

*"Regardless of the abrupt or unexpected stop of the vehicle ahead, your driver can prevent accidents by maintaining a safe following distance at all times. Overdriving headlights at night is common cause of front-end collisions. Night speed should not be greater than that which will permit the vehicle to come to a stop within the forward distance illuminated by the vehicle's headlights."*

- **NYSDOT Statewide Standardization, "The Determination of Accident Preventability"**

☐ **Opposing Vehicles**

*"Even though an opposing vehicle enters your driver's traffic lane, it may be possible for your driver to avoid the collision. For example, if the opposing vehicle was in a passing maneuver and your driver failed to slow down, stop or move to the right to allow the vehicle to re-enter his own lane, he has failed to take action to prevent the occurrence. Failure to signal the opposing driver by flicking the headlights, or sounding the horn should also be taken into account."*

- **NYSDOT Statewide Standardization, "The Determination of Accident Preventability"**

☐ **Rear-End Collision**

*"Rear end collisions preceded by a roll back, an abrupt stop at a grade crossing, when a traffic signal changes, or when your driver fails to signal a turn at an intersection, should be charged preventable. Failure to signal intentions or to slow down gradually should be considered preventable."*

- **NYSDOT Statewide Standardization, "The Determination of Accident Preventability"**

☐ **Passenger Accidents**

*"Passenger accidents in any type of vehicle are preventable when they are caused by faulty operation of the vehicle. Even though an incident did not involve a collision of the vehicle, it must be considered preventable when your driver stops, turns or accelerates abruptly."*

- **NYSDOT Statewide Standardization, "The Determination of Accident Preventability"**

☐ **Behavioral Issues on the Bus**

*"An accident resulting from driver distraction due to a passenger behavior problem on the bus is a preventable accident on the bus driver's part. Bus drivers should stop the bus in a safe location when serious behavior problems occur."*

- **"School Bus Accident Preventability Guidelines" (PTSI, 2005)**

☐ **Other:** \_\_\_\_\_

*Use additional pages if necessary.*

**Further Explanation of Determination** (If witness statements or reports do not all agree on what happened, identify which statement(s)/report(s) were accepted as accurate and the reason.): \_\_\_\_\_